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DAC #

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WEBSITE: www. patent-law. org

HUNT VALLEY OFFICE:  
TEL/ FAX 410. 785. 1816

VIA EXPRESS MAIL NO.:  
To The Assistant Commissioner  
of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

EV512822002US

In re: New U.S. Patent Application 09/917,308 for "EFFICIENT SYNTHESIS OF  
TRIBOLUMINESCENT LANTHANIDE COMPLEXES"; Filed: July 27, 2001;  
Applicant: Linda M. Sweeting.

Dear Sir:

LAW  
BUSINESS  
TECHNOLOGY

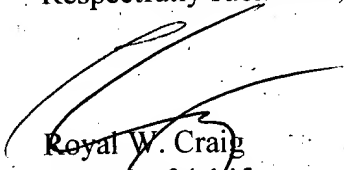
In response to the Official action dated 19 August 2003, enclosed please find the following:

1. Petition to Revive Application Pursuant to 37 C.F. R.1.137 (b).
2. Our check No. 1207 in the total amount of \$720.00 to cover the Petition Fees required by 37 C.F.R. 1.17 (m), \$665.00 and the Terminal Disclaimer 37 CFR 1.120 (d), \$55.00.
3. One (1) Declaration Under 37 CFR Section 1.137 (b)(1) with an attachment
4. Terminal Disclaimer.
5. Election/Response to the Restriction Requirement dated 19 August 2003.
6. Our post card. Please date stamp and return.

Please charge any unanticipated fees to our Deposit Account No. 03-3565 (a duplicate copy of this charge authorization is attached.)

Thank you for your cooperation and assistance.

Respectfully submitted,

  
Royal W. Craig  
Reg. No. 34,145  
Attorney for Applicant

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**OFFICE OF PETITIONS**

I HEREBY CERTIFY that on August 30, 2004, one copy of the above-referenced documents were deposited with the United States Postal Service for delivery by Express Mail to the United States Patent and Trademark Office.



#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SWEETING, Linda M.

Serial No. 09/917,308

Group Art Unit: 1639

Filed: 27 July 2001

Examiner: Bennett Celsa

For: EFFICIENT SYNTHESIS OF TRIBOLUMINESCENT LANTHANIDE COMPLEXES

\* \* \*

PETITION TO REVIVE APPLICATION PURSUANT TO 37 CFR 1.137(b)

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

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**OFFICE OF PETITIONS**

Sir:

This petition is submitted together with the required fee under 37 C.F.R. 1.17(m) of \$665 (small entity), a proposed election in response to the Official Action dated 19 August 2003, and the requisite verified statement by the applicant, to revive the subject application which was unintentionally abandoned. A terminal disclaimer and additional \$55 (small entity) fee are also enclosed in accordance with 37 C.F.R. 1.137(d).

The present petition respectfully requests revival on the ground that the abandonment of the above-identified application was unintentional.

The subject application became abandoned for failure to respond to the Official Action dated 19 August 2003 (a restriction requirement). Said failure to respond resulted from a combination of official correspondence from the Patent Office which applicant

*Inventor:* SWEETING, Linda M.  
*Serial No.* 09/917,308  
*Page* 2

failed to timely receive, plus a period of delay surrounding the death of the above-named inventor.

The Patent Office issued a Restriction Requirement in the above-identified case dated 19 August 2003. The Restriction Requirement was mailed to an older address, and while the undersigned thought that mail was still being forwarded (we timely received all other correspondence in this case), we did not receive this particular correspondence. A review of the file shows that no change of address form was filed, this apparently being Applicant's oversight inasmuch as such forms were filed in all other pending matters with the PTO. In any case, the Examiner was kind enough to fax us another copy on 3 May 2004. The undersigned set about to contact the inventor, first by mail and then by telephone, and did not initially get a response. Eventually we found through her personal representative that Dr. Linda Sweeting had died unexpectedly in Sept. 2003 from a heart attack (announcement attached). We initiated a series of discussions with her employer, Towson University, which has an interest in the application, and the discussions culminated in a decision to pursue this application. This decision was forthcoming just last week, and immediately upon receiving word the applicant prepared and filed this Petition to Revive based on unintentional abandonment under 37 C.F.R. 1.137(b).

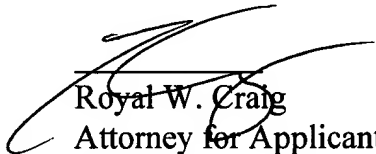
nmv  
8/5/04

In view of the above Petition and attached verified statement of the undersigned attorney, it is submitted that abandonment of this application was unintentional and that a

*Inventor:* SWEETING, Linda M.  
*Serial No.* 09/917,308  
*Page* 3

favorable decision on this petition is in order. Accordingly, it is respectfully requested that the application be revived and the proposed response be considered.

Respectfully submitted,



Royal W. Craig  
Attorney for Applicant  
Reg. No. 34,145  
Date 8/30/04

Law Offices of Royal W. Craig  
Suite 153  
10 N. Calvert St.  
Baltimore, MD 21202



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SWEETING, Linda M.

Serial No. 09/917,308 Group Art Unit: 1639

Filed: 27 July 2001 Examiner: Bennett Celsa

For: EFFICIENT SYNTHESIS OF TRIBOLUMINESCENT LANTHANIDE COMPLEXES

\* \* \*

DECLARATION UNDER 37 CFR SECTION 1.137(b)(1)

The Honorable Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

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SEP 02 2004

**OFFICE OF PETITIONS**

Sir:

I, Royal W. Craig, being duly sworn, states that I am presently attorney of record in the above-captioned case. I further declare and state the following.

1. The subject application became abandoned for failure to respond to the Official Action dated 19 August 2003 (a restriction requirement).
2. Said failure to respond resulted from a combination of official correspondence from the Patent Office which applicant failed to timely receive, plus a short period of delay surrounding the death of the above-named inventor.
3. The Patent Office issued a Restriction Requirement in the above-identified case dated 19 August 2003. The Restriction Requirement was mailed to an older address, and while the undersigned thought that mail was still being forwarded (we timely received all other correspondence in this case), we did not receive this particular

correspondence. A review of the file shows that no change of address form was filed, this apparently being Applicant's oversight inasmuch as such forms were filed in all other pending matters with the PTO. In any case, the Examiner was kind enough to fax us another copy on 3 May 2004.

4. The undersigned set about to contact the inventor, first by mail and then by telephone, and did not initially get a response. Eventually we found through her personal representative that Dr. Linda Sweeting had died unexpectedly in Sept. 2003 from a heart attack (announcement attached). We initiated a series of discussions with her employer, Towson University, which has an interest in the application, and the discussions culminated in a decision to pursue this application. This decision was forthcoming just last week, and immediately upon receiving word the applicant prepared and filed this Petition to Revive based on unintentional abandonment under 37 C.F.R. 1.137(b).

\* \* \* \* \*

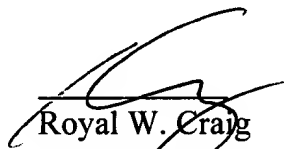
While it is believed that precautions were taken which should have avoided the circumstances which caused the abandonment, the initial non-receipt of the Official Action, plus a short period of delay surrounding the untimely death of the above-named inventor has

led to the unintentional failure to respond.

I declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or by both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-referenced trademark.

Respectfully submitted,

  
Royal W. Craig  
(410) 385-2383  
Attorney for Applicant  
Reg. No. 34,145

Date 8/22/04

Law Offices of Royal W. Craig  
Suite 153  
10 N. Calvert St.  
Baltimore, MD 21202  
RWC/yrp

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Aug 30, 2004

## News

### Chemistry professor dies over weekend

*Linda Sweeting died suddenly from a heart attack; co-worker shares memories*

by Jenny Lehman  
October 02, 2003

Chemistry professor Linda Sweeting died unexpectedly Sunday morning due to a massive heart attack. She was 61.

Friend and colleague Joseph Topping, professor of chemistry, said he and Sweeting were both hired in 1970.

"We had offices right next door to each other," Topping said. "[In] a third of a century, you get to know somebody pretty well."

Topping said he spoke with Sweeting last Thursday and she seemed perfectly healthy.

"The news of her death was very shocking," he said.

Sweeting, who is originally from Canada, received her bachelor and master's degrees from the University of Toronto.

She obtained a doctorate from University of California, and after graduating she spent one year as an assistant professor at Occidental College in Los Angeles before coming to Towson also as an assistant professor.

She became a professor of chemistry in 1985.

Sweeting was an active member in the American Chemical Society and the Association for Women in Science.

She examined the phenomenon of triboluminescence, which is the emission of light when a crystal is crushed.

She was chosen for a sabbatical appointment at the National Science Foundation and furthered her research at Harvard University from 1984 to 1985.

When she was younger she enjoyed windsurfing and also had a pilot's license, Topping added.

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"She was the kind of person who had so many interests, but no matter who you were, you could very easily find common ground for conversation," Topping said. "We're not talking about somebody who just teaches a few classes. She could windsurf and she could also do frontier-type research at Harvard University."

Sweeting's students found her a demanding instructor, but there were always a few students who got into what she was teaching, Topping said.

"She managed to keep in contact with a lot of her former students, but it wasn't because she was looking for them, but rather because they kept coming back looking for her," he said.

Topping said Sweeting was someone who would always go out of her way for other people.

"If you had a problem or if you had a question she would always just drop whatever she was doing and for the next five or 10 or 15 minutes, the person who was in her office at that time was the most important person in her life," Topping said.

Sweeting's classes will be taught by another faculty member in the chemistry department according to Topping.

Sweeting's mother currently resides in Toronto. A viewing will be held Friday from 2 to 4 p.m. and 7 to 9 p.m. at the Ruck Funeral Home, 1050 York Rd. Sweeting's funeral service will be held at Ruck Funeral Home on Saturday at 11 a.m.

Cards can be sent to Charles Hummer, 506 Alabama Rd., Towson, MD 21204.

Donations can be sent on Sweetings behalf to The Nature Conservancy, attn: Treasury (Web/support), 4245 N. Fairfax Dr., Suite 100, Arlington, VA 22203 or via credit card at <http://nature.org/joinanddonate/rescuereef/>.

■

## Chemistry professor dies over weekend

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SWEETING, Linda M.

Serial No. 09/917,308

Group Art Unit: 1639

Filed: 27 July 2001

Examiner: Bennett Celsa

For: EFFICIENT SYNTHESIS OF TRIBOLUMINESCENT LANTHANIDE COMPLEXES

\* \* \*

TERMINAL DISCLAIMER

**RECEIVED**

SEP 02 2004

**OFFICE OF PETITIONS**

To The Honorable Commissioner  
of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

This petition is accompanied by the required \$55.00 fee as set forth in 37 C.F.R. 1.20(d).

Petitioner, by the undersigned attorney of record, hereby disclaims a terminal part of any patent granted on the above-identified application equivalent to the period of abandonment of the above-identified application commencing on September 19, 2003, and extending to such time as the application may be revived. This agreement is to run with any patent so granted or any application which is entitled to the benefit of the filing date of this application under 35 USC 120, encompasses all claims therein, and is binding upon the grantee, its successors or assigns.

Respectfully submitted,

Royal W. Craig  
Attorney for Applicant  
Reg. No. 34,145

Law Offices of Royal W. Craig  
Suite 153  
10 N. Calvert St.  
Baltimore, MD 21202  
RWC/yrp

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02 FC:2814

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of:

SWEETING, Linda M.

Serial No. 09/917,308

Group Art Unit: 1639

Filed: 27 July 2001

Examiner:

Bennett Celsa

For: EFFICIENT SYNTHESIS OF TRIBOLUMINESCENT LANTHANIDE COMPLEXES

\* \* \*

ELECTION / RESPONSE

The Honorable Commissioner  
of Patents and Trademarks  
Washington, DC 20231

Sir:

Responsive to the Restriction Requirement dated 19 August 2003, Applicant herewith elects Species V, down to a method of synthesizing/screening a combinatorial library, class 435, subclass 4, the claims being readable thereon being claims 3-9. This election is without traverse.

It is believed that this application is in condition for allowance, and such a Notice is respectfully requested.

Respectfully submitted,

Royal W. Craig  
Attorney for Applicant  
Reg. No. 34,145

8/30/04  
Date

Law Offices of Royal W. Craig  
10 North Calvert Street  
Suite 153  
Baltimore, Maryland 212012  
410.385.2383

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SEP 02 2004

**OFFICE OF PETITIONS**

***FAX COVER SHEET***

TO: Roy Craig (Fax no. 410-385-2385)

RE: 09/917,308

Message: Here's the courtesy copy of the restriction/election office action mailed 8/19/03 as requested.

FROM: Examiner Celsa  
AU 1639  
Telephone: 571-272 -0807

No. of Pages (including cover sheet): Eight(8)



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,308	07/27/2001	Linda Marie Sweeting	SWEETING-PA-1	9575

7590

08/19/2003

Royal W. Craig  
Law Offices of Royal W. Craig  
Suite 1319  
210 N. Charles Street  
Baltimore, MD 21201

EXAMINER

CELSA, BENNETT M

ART UNIT

PAPER NUMBER

1639

DATE MAILED: 08/19/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

file copy

## Office Action Summary

Application No.  
09/917,308

Applicant(s)  
Sweeting, L.M.

Examiner  
Bennett Celsa

Art Unit  
1639



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-11 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 1639

**DETAILED ACTION**

Claims 1-11 are currently pending.

***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claim 10, drawn to a 1st tribolumescent compound, classified in class 548, subclass 262.1.
  - II. Claims 11, drawn to a 2nd tribolumescent compound classified in class 548, subclass 143.
  - III.. Claim 1, drawn to a 1st tribolumescent compound library , classified in class 435, subclass 6+
  - IV. Claim 2, drawn to a 2nd tribolumescent compound library , classified in class 435, subclass 6+.
  - V. Claims 3-9, drawn to a method of synthesizing and screening a combinatorial library 435 , subclass 4.
2. The inventions are distinct, each from the other because of the following reasons:
3. Inventions I and II are drawn to independent and/or patentably distinct compounds due to differences in chemical formula, capability of separate manufacture and/or use and possessing different biological/chemical physical properties. Additionally, these separate inventions encompass compounds which require different and separately burdensome manual and/or

Art Unit: 1639

computer structure, name, classification and bibliographic searches in patent and literature databases.

4. Inventions III and IV are drawn to independent and/or patentably distinct compound libraries due to the individual library members containing differences in chemical formula, capability of separate manufacture and/or use and possessing different biological/chemical physical properties. Additionally, these separate library inventions encompass individual library compound members which require different and separately burdensome manual and/or computer structure, name and bibliographic searches in patent and literature databases.

5. Inventions (I and II) as compared to Inventions (III and IV) are drawn to independent and/or patentably distinct inventions since the libraries may contain compound members which possess differences in chemical formula, capability of separate manufacture and/or use, possessing different biological/chemical physical properties. Where the Invention I and II compounds are members of the combinatorial libraries of III and IV, respectively the compound and library Inventions are nevertheless independent and/or patentably distinct inventions since a reference to one compound would not be expected to anticipate and/or render obvious a combination of that compound with one or more different compounds; and additionally, the issues under 35 USC 112, first and second paragraphs are different for a compound verse a combinatorial invention as is the classification search. Further, in either instance above a compound search of Inventions I or II is different and separately burdensome from a library search of Inventions III or IV since the searches require different and separately burdensome



Art Unit: 1639

manual and/or computer structure, name and bibliographic searches in patent and literature databases.

6. Inventions V and (I, II, III or IV) are related as process of making and product made.

The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case (1) the process as claimed can be used to make other and materially different product or (2) the product as claimed can be made by another and materially different process. See e.g. specification pages 1-5 exemplifying alternative methods of syntheses and screening of and/or using triboluminescent compounds.

7. Because these inventions are distinct for the reasons given above and

a. have acquired a separate status in the art as shown by their different classification; and/or

b. difference in manual/computer classification, structure, name and bibliographic searches; and/or

c. inventions have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Art Unit: 1639

*Election of Species (Groups I-IV)*

8. This application contains claims directed to the following patentably distinct species of the claimed invention: tribolumescent compounds, libraries thereof and syntheses and use thereof. The tribolumescent compounds are independent and/or patentably due to differences in chemical formula, capability of separate manufacture and/or use and possessing different biological/chemical physical properties. Additionally, these separate compounds require different and separately burdensome manual and/or computer structure, name and bibliographic searches in patent and literature databases.

Applicant is required under 35 U.S.C. 121 to elect **a single disclosed tribolumescent species (e.g. a single compound)** for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a properly generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Art Unit: 1639

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

**General information regarding further correspondence**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Celsa whose telephone number is (703) 305-7556.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang (art unit 1639), can be reached at (703)306-3217.

Any inquiry of a general nature, or relating to the status of this application, should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Bennett Celsa (art unit 1639)  
August 15, 2003

BENNETT CELSA  
PRIMARY EXAMINER

Handwritten signature of Bennett Celsa, consisting of a stylized, cursive script.